



## HUMAN RIGHTS COUNCIL - 46<sup>th</sup> SESSION

**Biennial High-Level Panel Discussion on the Question of the Death Penalty** (23 February 2021)

*Theme: Human rights violations related to the use of the death penalty, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rate*

The panel is held pursuant to Human Rights Council [Resolution A/HRC/RES/42/24](#) of 27 September 2019.

The Panel Chair: **H.E. Ms. Nazhat Shameem Khan**, President of the Human Rights Council.

### Opening Statement:

**Ms Michelle Bachelet**, United Nations High Commissioner for Human Rights (*video message*)

While deterrence is often used as an argument against the abolition of the death penalty, there is no evidence that death penalty has a deterrent effect on crime rate. On the contrary, after the abolition of the death penalty, some States have recorded a decline of the national crime rate. Rather than severity, certainty deters crime. In addition, death penalty is detrimental to the sentenced person's physical and mental health, and is often applied in a discriminatory manner, against the most vulnerable groups (such as religious minorities, people with disabilities, foreign nationals, indigenous peoples, LGBTI communities, among others). To raise awareness and spread true information, statistics on the use of death penalty should hence be made publicly available, also in retentionist States. Over the past months, countries such as Kazakhstan and Chad have allied themselves with the group of abolitionist States. The pledge by the new US Administration to work towards ending the death penalty, both at federal and state level, is commendable. Furthermore, at the end of 2020, 123 States voted in favor of the General Assembly resolution for a moratorium on the use of the death penalty.

### Statements by Panellists:

**H.E. Mr Djimet Arabi**, Minister of Justice of Chad (*video message*)

In May 2020, and notwithstanding constant terrorist attacks, Chad abolished the death penalty. The use of the death penalty indeed violates human rights and disregards human dignity. Since 2017, the national penal code has been amended to comply with international standards. At the same time, the government of Chad has also improved the living conditions in prisons, in accordance with international criteria. While the abolition of the death penalty was a challenging task, civil society organizations support was instrumental.

**Mr Tsakhia Elbegdorj**, Commissioner of the International Commission against the Death Penalty (*video message*)

From the abolition of the death penalty in Mongolia, it becomes clear that firm political leadership, international support, and maintenance of the death penalty free country status are fundamental. In addition, after the abolition of the death penalty, Mongolia did not witness an increase in crime rate. As to retentionist States, their arguments are unfounded since there is no clear evidence that the use of the death penalty deters crime. In view of the universality of human rights, state killing is not justifiable because it is intentional and infringes fundamental rights.

**Mr Christopher Arif Bulkan**, Member of the Human Rights Committee (*video message*)

Worldwide, many instances demonstrate that the use of the death penalty does not deter crime. Inherently arbitrary, death penalty is often applied to the most vulnerable people. To deter crime, rather than to the use of the death penalty, States should focus on poverty reduction, the strengthening of policing and the improvement of their judicial systems.



**Professor Carolyn Hoyle**, Professor of Criminology at the University of Oxford (*video message*)

Today some governments still justify the use of the death penalty as a deterrent for crime. On how to reduce serious crime, there is however strong disagreement. Criminological studies have failed to prove that the severity of punishment deters crime. In the US and Europe, studies on deterrence have noted that there is no proved correlation between death penalty and its effectiveness in deterring major crimes.. Deterrence arguments should never be allowed to influence penal policy.

#### Discussion:

**States:** *Switzerland (on behalf of a group of state, co-sponsors of the resolution: Belgium, Benin, CR, France, Mexico, Moldova, Mongolia, Switzerland), Sweden (on behalf of Nordic-Baltic Countries), Croatia, South Africa, Mexico, European Union, Liechtenstein (on behalf of Quadrilateral Group (Austria, Liechtenstein, Slovenia, Switzerland)), Singapore (on behalf of a Cross-Regional Group of 41 Countries), Australia, Saudi Arabia, Kazakhstan, Iran, Portugal, Cape Verde (on behalf of the Community of Portuguese Language Countries), Burkina Faso, Egypt, Spain, Italy, Fiji, Botswana, United Kingdom of Great Britain and Northern Ireland, Timor-Leste, Iraq, Namibia, Pakistan*

**NHRIs and NGOs:** *Commission on Human Rights of the Philippines, International Federation of ACAT (Action by Christians for the Abolition of Torture), International Lesbian and Gay Association, National Human Rights Council of Morocco, Center for Global Nonkilling, Amnesty International*

Most states reiterated that since the use of the death penalty violates human rights, it should be abolished everywhere and not allowed under any circumstances. Death penalty is not just inhumane and demeaning, but also not reversible. Some countries also denounced that, notwithstanding that the use of the death penalty does not deter crime, capital punishments continue to be imposed. In this regard, it was reported that vulnerable groups (e.g., ethnic, and religious minorities, people with disabilities, LGBTI communities) are disproportionately affected by death penalty. To deter crime, instead of death penalty, the fair application of justice and the raise of public awareness should be preferred.

States such as Angola, Chad, Armenia, and Kazakhstan were welcomed in view of their entry in the group of the abolitionist states.

On the other hand, some states (Singapore, Botswana, Saudi Arabia, Iran, Egypt, Iraq) recalled the importance of state sovereignty, and condemned any foreign interference in the national criminal justice system. Countries such as Saudi Arabia and Iran however assured that death penalty is only applied to the most serious crimes.

As to NHRIs and NGOs, the application of the death penalty on a discriminatory basis was condemned, and the raise of public awareness on the issue was urged.

Switzerland announced that in September 2021, together with Belgium, Benin, France, Costa Rica, Mexico, the Republic of Moldova, and Mongolia, it will present a new resolution on death penalty.

#### Concluding Remarks:

**H.E. Mr. Djimet Arabi**, reiterated the commitment of Chad in the abolition of the death penalty, prioritizing other means to reduce crime.

**Mr. Tsakhia Elbegdorj**, emphasized that, to change the perception of death penalty, solid, national leadership and international cooperation are needed.

**Mr. Christopher Arif Bulkan**, stated that, in terms of economic costs, death penalty is not less expensive than other punishment measures, in view of the judicial system maintenance. In addition, he reiterated that, to deter crime, states should prioritize poverty reduction.

**Professor Carolyn Hoyle**, concluded that, on this issue, public opinion should not be ignored. As to terrorist groups, she argued that terrorists are not likely to stop because of the threat of death penalty.

To watch full Panel Discussion on the Questions of the Death Penalty, refer to [UN Web TV](#)